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REFORM THROUGH LABOR

By EUGENE N. FOSS,
Governor of Massachusetts.

In Massachusetts—and in other states as well—it seems to me that far too much stress is laid on long-term punishment, and far too little on remedial or corrective measures. In my inaugural message I urged that immediate steps be taken to prevent such a large and increasing number of persons from losing the power of self-support either through mental, moral or physical sickness. By moral sickness I meant to include all sorts of crime. I believe that a healthy man, well educated, healthily employed and free from inherited taint, has very little incentive to crime.

With the wonderful progress that is being made in the study of heredity, and with the present satisfactory condition of public health, the average man now starts out in life with a pretty fair chance. Our jails and prisons are not crowded with defectives; nor with the second generation of criminals. They are filled with unfortunates who have once fallen, often through accident, and who never again get planted firmly on their feet.

For such men, victims of their own weakness or of cruel conditions, there must be some hope for cure. Yet a study of jail commitments, here or in other states, shows a terrible record of second commitments. Men get out of jail or prison. But to their original taint is now added the taint of the prison; and they go back to confinement with less effort at self-restraint than they used at first.

The medical world would rise up as a body to condemn any method of medical treatment which left the patient more liable to a recurrence of the disease than he was to its first attack. And yet, everywhere men are being sent out of prison, with the prison pallor on them, penniless, weakened in body by unwholesome conditions and broken in spirit by the withdrawal of all hope, ambition and self-confidence.

They have been trained by prison discipline, but it is often a discipline which in itself is a punishment and which does not fit them for the conditions they must face when they are again free. They

have moved by iron rules; been regulated like clocks; but not encouraged as men or stimulated to take up the personal responsibilities of self-supporting, self-respecting freedom.

When a man gets well of a fever, even the clothes he wore are buried, but when a man gets out of jail the arm of the law hangs over him, like a policeman's club, and he never again has the sense of being quite a man, with the taint of prison quite removed. From the very instant he enters the prison walls he is different from his fellows. The law seizes upon him, measures him up and labels him, and he becomes, not a man working out his own reformation, but only "Number 110, second row of cells."

In sharp contrast to all this, an intelligent young prison employee came to me the other day and pleaded that if ever a man is going to be helped in prison, the time to begin is when sentence is passed upon him—before he is measured, numbered and put away. He said you could save his personality if you kept on a little longer treating him like a man.

I have been wonderfully impressed by the success of Judge Lindsey's Juvenile Court in Denver, and by similar methods which have been applied in other western cities to grown-up offenders. In some places criminals are sent to jail with no guard, going freely on their honor; even when they reach the jail they find no prison wall, no armed guard waiting to shoot them down, but only a chance to test their own manhood again: a chance to live in a wholesome place, with sun and air, fair treatment and every incentive to regain their own self-respect. I realize that these measures are extreme, and radically opposite to the customary prison methods; and it may be necessary to proceed cautiously in following them. But they have proved effective, and they promise the only hope of betterment that I know of.

We can begin to work toward them by gradually abolishing our city prisons, with their dark cheerless interiors, and building our future houses of correction out in the country where the sun and the wind can get in, and where all the men who do not forfeit such right can work in open fields. There's nothing dangerously radical in that! For surely it does not help a criminal's reform to take the color of health out of his skin and the strength and elasticity out of his muscles through confinement in stone cells.

Gradually the idea is growing that crime is not only to be pun-

ished but cured. Not merely punished after it shows, but forestalled and headed off before it gets a hold. We are beginning to realize that the only power we have in the world that counts for anything is the power of self-reliant manhood and womanhood. Probably no child ever went from its mother's arms out into the world that did not have at least a spark of that power within him. And we are beginning to see that it is the function of our courts and our correctional institutions to foster that spark and never to snuff it out.

Again I hope to see a wider use of the indeterminate sentence. I believe it is the very essence of good policy when wisely used. Take the case of a man who is sent up for some small offense by a rigorous court; he listens to the judge, and remembering some similar case where only a few weeks were imposed, he hopes for sympathy and a square deal. It is enough to freeze the heart in him when he hears a sentence of ten years imposed upon him. Instantly he feels that society is his worst enemy; that all men are against him, and the chances are that the thought of murder is formed in his mind for the first time when he knows himself to be the victim of such unequal justice. When he does get out it is only to prey upon society and get revenge for what he honestly believes to be his "wrongs."

An indeterminate sentence, on the other hand, causes hope instead of despair to spring up—and the criminal is led to feel that his future is partly in his own hands. That helps to keep his hopes and his self-respect from utterly dying out, and, though he is no less a convict, he has at least a fighting chance to regain some of the ground he has lost.

There is one more matter of great importance and that is the matter of work. No man, even with his full freedom, can long remain healthy and happy unless he has work to do. Not brutal, dogged work, but interesting, helping, successful work. It may represent a very small daily profit, but it makes little difference, provided it furnishes material for mind and body to work upon and suffices for his support. And I fail to see why the same is not true of the man in prison. He may not be free to roam about; but at least he ought to be free to do something within the limits of his ability which will produce useful results. The work forced upon him may be so foreign to his personal "bent" as to be only an added punishment; but

every man, in prison or out, who is worth thinking about, wants to do some sort of work and will, if he gets a chance.

Therefore I hope to see the reformation of prisoners helped out more generally by useful activity, considered as an actual means of helping them, planned and conducted for that purpose. Too often prison industries are regarded only as a financial help to the institution, and men are forced to work as part of their sentence and not as part of their cure. Too often, in one state after another, and we in Massachusetts are not wholly blameless, the labor of the prisoners is donated to an agent or contractor, as something without value. Work done under these conditions is a curse and not a cure. It is necessary, if we are ever to have in America a sane and hopeful system of penology, that all able-bodied prisoners be given the opportunity to work at something that will help restore their sense of usefulness and responsibility. Even if a man never gets out of jail he will live and die a better man for simply being busy at some simple thing which he can do well.

Such a proposition must be considered from the most level-headed viewpoint; there must be nothing visionary or sentimental about it. It is a clean-cut matter of what might be called medical treatment applied to the moral nature of a man. And there is a very practical limitation to it. No prison industry ought ever to come into competition in the markets with the labor of free men, as is often the case. The safe, middle ground is to use the labor of our prisons and reformatories to create merchandise to be used in all public and charitable institutions where it will never reach the general market at all. That system is succeeding well in New York, and I understand that it has the hearty endorsement of the laboring men of the state. We have fragments of the system here in Massachusetts, and I hope to see it applied uniformly throughout the institutions, to the exclusion of every other method.

Some definite scale of values ought to be fixed for prison labor, in accord with the individual's ability. The prisoner ought to know that what he does actually counts as something of definite value. That is the best moral incentive he could have to do still better. That helps to make a man of him, if he has not already gone or been forced too far down. I do not propose for a moment that any prisoner should receive cash wages. But if he earns a profit over the cost of his keep the money can be used to his advantage.

For instance, a fund can be built up to help him reestablish himself when he gets out; or if he has a family, something can be paid to keep that family together while the man is in confinement. I can imagine nothing that would give hope and courage to any sort of a man so much as feeling that he had not lost his usefulness, even though he had lost his liberty. I think that nothing would help a family man so much as to feel that, though he had fallen, he was still the husband and father of his family, working for them and for the chance to regain his standing in the community where they live.

These points upon which I have barely touched I believe have to do with the very foundations of society and that it rests upon us as citizens to fight for these reforms. The medical profession no longer concentrates its efforts upon the cure of disease, but upon its prevention. And the same thing must be done with all moral maladies. We must get at the future criminal in the very inception of his criminal acts; we must seek to keep the spark of self-respect alive and help him back rather than push him on by breaking down his manhood.